

# HOUSE BILL REPORT

## HB 2078

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### As Reported by House Committee On: Local Government

**Title:** An act relating to deferrals of required comprehensive plan and development regulation updates.

**Brief Description:** Authorizing deferrals of required comprehensive plan and development regulation updates.

**Sponsors:** Representative Simpson.

#### **Brief History:**

##### **Committee Activity:**

Local Government: 2/28/05, 3/1/05 [DPS].

#### **Brief Summary of Substitute Bill**

- Creates exceptions to the Growth Management Act planning update schedule so as to allow certain planning and non-planning counties and cities to forego one required update every 14 years.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Simpson, Chair; Clibborn, Vice Chair; B. Sullivan and Takko.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; and Woods.

**Staff:** Thamas Osborn (786-7129).

#### **Background:**

##### *Growth Management Act Planning Requirements.*

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

Comprehensive Land Use Plans.

Among numerous planning requirements, GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Each comprehensive plan must include planning provisions for each of the following elements: (a) land use; (b) housing; (c) capital facilities plan; (d) utilities; (e) rural areas; (f) transportation; (g) economic development; and (h) parks and recreation.

Continuing Review and Evaluation of Plans and Development Regulations.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. Any amendments or revisions of development regulations must comply with the requirements of the GMA and must be consistent with and implement comprehensive plans.

Mandatory Reviews and Updates of Plans and Regulations.

The Department of Community, Trade, and Economic Development (DCTED) must establish a schedule for counties and cities to review and, if needed, revise their comprehensive plans and development regulations so as to ensure their compliance with the GMA. Jurisdictions that are not fully planning under the GMA are also required to satisfy planning update requirements pertaining to critical areas and natural resource lands according to this same schedule.

Schedule for Compliance with GMA Update Requirements.

The schedule must provide for reviews and evaluations by the following dates, and every seven years thereafter:

- December 1, 2004 for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties, and the cities within those counties;
- December 1, 2005 for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;
- December 1, 2006 for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- December 1, 2007 for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

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**Summary of Substitute Bill:**

Introduction.

Certain counties and cities that meet specified criteria are allowed to forego one update of their comprehensive plans and development regulations every 14 years. The counties and cities eligible for this update deferral are divided into three categories, each of which has its own set of criteria. The first of these categories includes only certain GMA planning

counties, the second includes only certain GMA planning cities, and the third category includes certain non-planning cities and counties. In all eligible counties and cities, the decision of whether or not to opt for the update deferral rests with the governing body.

Update Deferrals for Certain Counties with Populations of Less than 20,000.

The governing body of a GMA planning county may opt to forego one update every 14 years, provided all of the following criteria are met:

- the county has a population of less than 20,000 two years prior to its scheduled GMA review date;
- the county experienced a population increase of less than 17 percent during the requisite 10 year period preceding the update deadline;
- the Department of Community, Trade, and Economic Development determines that the county is compliant with GMA requirements with respect to the revision of policies and regulations regarding critical areas and natural resource lands;
- the county is compliant with all pertinent Growth Management Hearings Board decisions or the matter before the board is under appeal; and
- the update is either (1) pending and is the first one required of the county, or (2) the county has completed its first required update.

Update Deferrals for Certain Cities with Populations of Less than 5,000.

The governing body of a GMA planning city may opt to forego one update every 14 years, provided all of the following criteria are met:

- the city has a population of less than 5,000 two years prior to its scheduled GMA review date;
- the city experienced a population increase of less than 17 percent or 100 people, whichever is greater, during the requisite 10-year period preceding the update deadline;
- the Department of Community, Trade, and Economic Development determines that the city is compliant with GMA requirements with respect to the revision of policies and regulations regarding critical areas and natural resource lands;
- the city is compliant with all pertinent Growth Management Hearings Board decisions or the matter before the board is under appeal;
- there are no proposals to expand the urban growth area in which the city is located;
- the city is not subject to the GMA review and evaluation program under RCW 36.70A.215 involving the study of urban density requirements and the determination of compliance with such requirements; and
- the update is either (1) pending and is the first one required of the county, or (2) the county has completed its first required update.

Update deferrals offered to certain non-planning counties and cities.

The governing body of a non-planning county or city may opt to forego one update every 14 years, provided all of the following criteria are met:

- the Department of Community, Trade, and Economic Development determines that the county or city is compliant with GMA requirements with respect to the revision of policies and regulations regarding critical areas and natural resource lands;

- the county or city is compliant with all pertinent Growth Management Hearings Board decisions or the matter before the board is under appeal;
- the update is either: (1) pending and is the first one required of the county, or (2) the county has completed its first required update.

**Substitute Bill Compared to Original Bill:**

The substitute bill allows GMA planning cities with populations of less than 5,000 residents prior to the requisite GMA review date to forego one of the required updates every 14 years. The original bill set the populations threshold requirement at 1,500 residents. Accordingly, the bill significantly expands the number of cities that would be eligible for deferring the required update once every 14 years.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 27, 2005.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The bill is tightly focused on helping small jurisdictions and this is a very good idea. The GMA update deferral applies to only "non-buildable" lands jurisdictions. However, it would be agreeable to expand the application of the bill through an amendment allowing it to apply to certain "buildable" lands as well. This would allow more cities to be included in the deferral of the GMA update process.

**Testimony Against:** Population threshold for counties should be increased to 50,000 residents rather than the 20,000 provided under the current bill. Also, the update cycle should be increased to 10 years rather than the seven years specified in the bill. However, a 20-year cycle, even for smaller jurisdictions would be far too long.

**Persons Testifying:** (In support) Genesee Adkins, Futurewise; and Brad Collins, American Planning Association.

(Opposed) Mike Flynn, Washington Association of Realtors; Tom Clingman, Department of Ecology; and Dave Williams, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** None.